



January 5, 2012

Mr. Veyron Bugatti
Dept MR 553
PO Box 55819
Boston, MA 02205-5819

Ref.: FOIA Case No. 2012-FPRO-00251

Dear Mr. Bugatti:

This responds to your Freedom of Information Act (FOIA) request dated December 4, 2011, in which you seek access to Postal Service information pursuant to the Freedom of Information Act (FOIA) 5 U.S.C. §552. Specifically, you seek records concerning the cost of and name of the developers, and complete source codes to the USPS mobile applications: iPhone, Android, and BlackBerry.

The FOIA generally requires government agencies to disclose records within their possession. The FOIA contains several exemptions, however, that permit agencies to withhold certain records. 5 U.S.C. § 552(b)(1)-(9).

FOIA Exemption 3 allows agencies to withhold records that are exempt from disclosure by another statute that "establishes particular criteria for withholding or refers to particular types of matters to be withheld." 5 U.S.C. § 552(b)(3). Section 410(c)(2) of Title 39, U.S. Code, provides that "information of a commercial nature, including trade secrets, whether or not obtained from a person outside the Postal Service, which under good business practice would not be publicly disclosed" is exempt from the disclosure requirements of the FOIA. This section was enacted as part of the Postal Reorganization Act, 39 U.S.C. §§ 101 et seq. (1970), which designated the Postal Service as an independent establishment of the executive branch and generally directed it to conduct its operations in accordance with sound business principles. Section 410(c)(2) operates both independently and as an exempt statute within the scope of Exemption 3.

We consider the source codes of the Postal Service's mobile applications to be exempt from disclosure under FOIA Exemption 3 in conjunction with 39 U.S.C. Section 410(c)(2). The release of source codes of the Postal Service's mobile applications would unduly expose the Postal Service's confidential business information relating to the management of our vendor relationships. The release of source code would also expose the Postal Service's strategies for securing data communications with mobile devices. The potential exposure of security strategies provides an unacceptable risk to the overall postal infrastructure.

The Postal Service has interpreted section 410(c)(2) to protect information, including internal guidelines, that, if revealed, would threaten the security and or safety of agency operations, facilities, equipment, or employees. In withholding the source codes on these grounds, we do not mean to imply that you would engage in any criminal activity or use the records for an improper purpose. When information is disclosed in response to a request under the FOIA, however, it becomes publicly available, and we must consider the harm that may result from general disclosure.

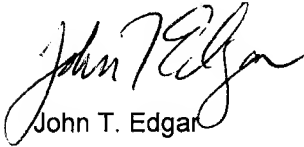
Regarding the cost, the Information Technology department is in the process of collecting the cost information. The cost information associated with these services is part of a larger contract unrelated to this request.

The FOIA allows agencies 20 working days (exclusive of Saturdays, Sundays, and federal holidays) in which to process requests. In unusual circumstances, agencies may qualify for further extensions, and may request a modified FOIA request and/or time frame for response (5 USC §552(a)(6)(B)). Unusual circumstances are defined to include requests that involve voluminous and/or dispersed records, or requests that require consultation with other agencies having a substantial interest in requested records. Because your request involves dispersed records, we are extending the response period to ten working days from the date of this letter (title 39 CFR 265.7(b)(4)(iii)(B)).

You have the right to appeal this partial denial of your request by writing to the General Counsel, U.S. Postal Service, Washington, DC 20260-1100, within 30 days of the date of this letter. The letter of appeal should include statements concerning this response, the reasons why it is believed to be erroneous, and the relief sought, along with copies of the original request, this letter, and any other related correspondence.

Thank you for your interest in the Postal Service.

Sincerely,



John T. Edgar

cc: Jane Eyre